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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,536	11/28/2003	Yoichi Yamada	723-1455	8321
27562	7590	11/27/2007		
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER BANTA, TRAVIS R	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/722,536

Applicant(s)

YAMADA ET AL.

Examiner

Travis R. Banta

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Claims 1-14 are pending. Claim 5 is amended. The specification has been amended and is determined to be acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Chocobo World – Final Fantasy 8 released July 7, 1999. The explanation found at <http://ffguides.telefragged.com/ff8/walkthroughs/chocoboworld.shtml> was published online on September 15, 2000.

Regarding claim 1, Chocobo World is disclosed to be played on a personal computer. Personal computers are well known in the art as able to play a plurality of games and in the case of Chocobo World share backup data of the plurality of games with each other.

Briefly stated, Chocobo World is a game played in conjunction with Final Fantasy 8. A final fantasy player can begin playing with a Chicobo. The Chicobo will wander through Chocobo World collecting items. A player can direct Chicobo's movements or can allow Chicobo to play in the background of Final Fantasy 8. Chicobo will collect

treasures and weapons among other things for the Final Fantasy 8 player to use while playing Final Fantasy 8.

Chocobo World discloses a data storage memory for storing a first game program and a second game program (see cited website – “What is Chocobo World?”). The first game being Final Fantasy 8 and the second game being Chocobo World. The two games must necessarily have memory allocated to them. A writable and readable backup data storage memory having a first backup data storing area for storing backup data relating to the first game program and a second backup data storing area for storing data relating to the second game program is provided. Final Fantasy 8 game player progress can be saved independently of Chocobo World and vice versa ( see “How to play”). A game operation controller is disclosed for instructing a start of a game by selecting any one of the first game program and the second game program and for controlling progress of the selected game (see “How to play” and “Move”). The controller is a standard keyboard with arrow keys. A first condition detector for determining whether or not a predetermined conditioned is accomplished in the progress of the game selected and instructed to be started by the game operation controller is disclosed (see “Moomba”). There are many conditions detected in Chocobo World. A first condition detector is Moomba giving Chicobo (and therefore the player) a new weapon. When it is determined the condition is accomplished, a memory write controller for writing information relating to the predetermined condition to both of a backup data storing area associated with a first game and a backup data storing of at least one other game not selected by the game controller are provided (see “Importing

Chocobo World Items into FF8). When the weapon is given, a memory write controller writes the information into Final Fantasy 8 to a backup storage area to allow the weapon to be used in that game. The backup data storing area in the second game is written to update the movement of the weapon and remove the weapon from the items collected list.

Regarding claims 2, 3, and 4 when the predetermined condition is accomplished as disclosed in the rejection of claim 1, the memory write controller writes the information to the backup data storage area of both games (see "Tutorial"). Change generation information is defined in the specification as information relating to game progress. A new weapon is progress in the game. This information is written into the new game so the weapon can be used in that game. The memory controller writes condition accomplishment information to the backup storage of one game and game progress information to the back up data of both games.

Regarding claim 5, Chocobo World provides a first condition detector as described. Final Fantasy 8 provides a second condition detector. If the detector has not determined a new weapon is available from Chocobo World, the weapon will not be provided to the player. If the detector has determined a new weapon is available, the weapons is provided. The controller then writes the information including game generation information to the various backup data storages as described above.

Regarding claim 6, when the predetermined condition is accomplished as disclosed in the rejection of claim 5, the memory write controller writes the information

to the backup data storage area of both games (see "Tutorial") if Final Fantasy 8 has determined the condition has been accomplished.

Regarding claim 7, Chicobo is disclosed as being able to return to the Final Fantasy 8 world (see "Home"). This area provides a backup data storing area for storing backup data relating to both programs. Information is written to both programs.

Regarding claim 8, Chocobo World teaches a game apparatus that enables an operator to play a plurality of games and a method of sharing backup data of each of the plurality of games with each other. The game is played on a personal computer which is well known in the art for having a processor, a data storage memory, and several storing areas for respectively storing backup data for each of the games.

The processor is used to determine whether or not a predetermined condition is accomplished during gameplay of the games in which gameplay has started (see "Importing items into FF8" and "Tutorial"). In this case, a first condition could be a weapon from Moomba (see "Moomba"). When it is determined the condition is accomplished, information relating to the condition is stored in both the backup data storing area of the started game, and the other game that has not been started. Chocobo World need not be started to import items into Final Fantasy 8.

Regarding claim 9, Chocobo World teaches a backup writing control method in a game apparatus that enables an operator to play a plurality of games. The apparatus has the capacity to share backup data of each of the plurality of games with each other. It includes a personal computer having a data storage memory and a plurality of storing

areas for respectively storing backup data for each of the plurality of games. (see Title, "Why would I want to play Chocobo World", "How to Play").

The game determines whether or not a predetermined condition is accomplished during game play progress in either of the games Chocobo World, or Final Fantasy 8 in which game play has started. When it is determined the predetermined condition is accomplished, the game writes information relating to the predetermined condition to both of the backup data storing areas of the games including the game which is not started. Chocobo World need not be started to import items into Final Fantasy 8.

Regarding claim 10, Chocobo World is disclosed to be played on a personal computer. Personal computers are well known in the art as able to play a plurality of games and in the case of Chocobo World share backup data of the plurality of games with each other.

Chocobo World discloses a data storage memory for storing a first game program and a second game program (see cited website – "What is Chocobo World?"). A writable and readable backup data storage memory having a first backup data storing area for storing backup data relating to the first game program and a second backup data storing area for storing data relating to the second game program is provided. Final Fantasy 8 game player progress can be saved independently of Chocobo World and vice versa ( see "How to play"). A game operation controller is disclosed for instructing a start of a game by selecting any one of the first game program and the second game program and for controlling progress of the selected game (see "How to play" and "Move"). The controller is a standard keyboard with arrow keys. A first

condition detector for determining whether or not a predetermined condition is accomplished in the progress of the game selected and instructed to be started by the game operation controller is disclosed (see "Moomba"). There are many conditions detected in Chocobo World. A first condition detector is Moomba giving Chicobo (and therefore the player) a new weapon. When it is determined the condition is accomplished, a memory write controller for writing information relating to the predetermined condition to both of a backup data storing area associated with a first game and a backup data storing of at least one other game not selected by the game controller are provided (see "Importing Chocobo World Items into FF8). When the weapon is given, a memory write controller writes the information into Final Fantasy 8 to a backup storage area to allow the weapon to be used in that game. The backup data storing area in the second game is written to update the movement of the weapon and remove the weapon from the items collected list.

Chocobo World provides a first condition detector as described. Final Fantasy 8 provides a second condition detector. If the detector has not determined a new weapon is available from Chocobo World, the weapon will not be provided to the player. If the detector has determined a new weapon is available, the weapons are provided. The controller then writes the information including game generation information to the various backup data storages as described above.

Regarding claim 11, Chocobo World teaches a game apparatus that enables an operator to play a plurality of games and a method of sharing backup data of each of the plurality of games with each other. Chocobo World discloses a data storage



memory for storing a first game program and a second game program (see cited website – “What is Chocobo World?”).

A writable and readable backup data storage memory having a first backup data storing area for storing backup data relating to the first game program and a second backup data storing area for storing data relating to the second game program is provided. Final Fantasy 8 game player progress can be saved independently of Chocobo World and vice versa (see “How to play”).

A memory write controller is provided for writing shared backup data information utilized in common to both the first and second game programs (see “Home”).

Regarding claim 12, Chocobo world discloses a game operation controller is disclosed for instructing a start of a game by selecting any one of the first game program and the second game program and for controlling progress of the selected game (see “How to play” and “Move”). The controller is a standard keyboard with arrow keys.

Also disclosed is a condition detector as Moomba having a new weapon for Chicobo (and therefore the player). When it is determined the condition is accomplished, a memory write controller for writing information relating to the predetermined condition to both of a backup data storing area associated with a first game and a backup data storing of at least one other game not selected by the game controller are provided (see “Importing Chocobo World Items into FF8). When the weapon is given, a memory write controller writes the information into Final Fantasy 8 to a backup storage area to allow the weapon to be used in that game. The backup data

storing area in the second game is written to update the movement of the sword and remove the sword from the items collected list.

Regarding claim 14, Chocobo World teaches a game apparatus that enables an operator to play a plurality of games and a method of sharing backup data of each of the plurality of games with each other. Chocobo World discloses a data storage memory for storing a first game program and a second game program (see cited website – “What is Chocobo World?”). A writable and readable backup data storage memory having a first backup data storing area for storing backup data relating to the first game program and a second backup data storing area for storing data relating to the second game program is provided. Final Fantasy 8 game player progress can be saved independently of Chocobo World and vice versa (see “How to play”). A memory write controller is provided for writing shared backup data information utilized in common to both the first and second game programs (see “Home”).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chocobo World as disclosed above.

Regarding claim 13, Chocobo World teaches a game apparatus that enables an operator to play a plurality of games and a method of sharing backup data of each of the plurality of games with each other. Chocobo World discloses a data storage memory for storing a first game program and a second game program (see cited website – “What is Chocobo World?”). Further, a backup data storage medium having a first backup data storing area for storing backup data relating to the first program and a second backup data storing area for storing data relating to the second program are disclosed (Final Fantasy 8 is saved independently from Chocobo World. It is therefore inherent, that is, it must necessarily be that each uses different areas for storing backup data unique to each game though there are instances when information is mutually shared. Even in the case of shared information, the information is stored separately.) A game operation controller is disclosed for instructing a start of a game by selecting any one of the first game program and the second game program and for controlling progress of the selected game (see “How to play” and “Move”). The controller is a standard keyboard with arrow keys.

Chocobo World (at least the cited reference) fails to disclose a computer program product, program instructions, and program instructions means for writing information. However, one of ordinary skill in the art would recognize that a computer game would be constructed by programming code assembled in such a way as to implement the rules of the game and allow a player to play the game by making progress toward an objective. This ordinarily skilled artisan would further realize, a computer readable storage medium would be necessary to implement the code, and install the code on

various computers. One of ordinary skill in the art would have little choice but to use program instructions through programming code and computer readable media to implement rules and functionality of the game at least at some level. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to include a computer program product embodied on a computer readable storage medium and program instructions for implementing the rules of the game such as whether or not a predetermined condition is accomplished during gameplay progress of any one of a first game program or a second game program is instructed to be started by a game operation controller.

Further, the ordinarily skilled artisan would find it obvious at the time of the invention to employ program instruction means for writing upon determining that the predetermined condition is accomplished, information relating to the predetermined condition to both the backup data storing area of the game in which the condition was accomplished and the backup data of the other game that had not been started by the controller – which is essentially what Chocobo World incorporates. It would be obvious to the skilled artisan that program instruction means would be implemented to incorporate the functions of the game as described in the cited reference and the rejection of the remaining claims.

### ***Response to Arguments***

The Applicant has argued Chocobo World as disclosed above fails to disclose the Applicants feature of "determining whether or not a predetermined gameplay

condition is accomplished during the progress of a game being played and autonomously writing, at a time when it is determined that the predetermined condition is accomplished, information relating to that predetermined condition to both a backup data storing area associated with the game currently being played and to a backup data storing area of another game that is currently being played in the manner as set forth in applicants' independent claims (Response to Office Action dated 9/4/2007 at p 14-15).

The Applicant has argued unclaimed subject matter. While the Applicant may be correct in drawing distinctions between his own invention and that present in Chocobo World, these distinctions are not claimed. For example, the condition of "autonomously writing" is not claimed. The Examiner has found that data is read, written by a writing controller, stored, and shared between backup data storage areas. There is no indication of autonomous writing anywhere in the claims. The Applicant has argued for what is manually or automatically transferred at a particular time, but the Applicant's claims do not claim a time relationship between events past determining a predetermined condition is accomplished and then writing information to backup data areas of a game that has not been started. There is no claim that requires information to be written in backup storages at the same time or automatically at the time of the predetermined condition's accomplishment.

Since these arguments are based on matter not in the claims, they are unpersuasive. Chocobo World discloses the limitations of these claims as described in the rejection under 35 U.S.C. 102 above.

The Applicant has argued for claim 13 that the manual transference of the game data to a separate and distinct game means Chocobo World can not disclose writing upon determination of accomplishment of a predetermined condition. The Examiner understands the Applicant to be arguing that since a player manually moves items from Chocobo World to Final Fantasy 8, there can be no detection of a predetermined condition. The Examiner respectfully disagrees. The predetermined condition is the player acquiring the item to be placed in the menu screen for transfer. If the player has not acquired an item, it is not transferable to Final Fantasy 8. It makes no difference whether the transfer is manual or not, what is important is that the predetermined condition of having the item to transfer is present. The term "predetermined condition" is a broad term. When Chocobo World's programming determines the item is available for transfer (the predetermined condition), it will write the program to Final Fantasy 8 upon user instruction (another predetermined condition). It is also noted that manual or automatic instruction has not been claimed by the Applicant.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

  
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